

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2000-527-C - ORDER NO. 2006-118  
FEBRUARY 27, 2006

IN RE: Petition by AT&T Communications of the	)	ORDER APPOINTING
Southern States, Inc. for Arbitration of Certain	)	HEARING OFFICER
Terms and Conditions of a Proposed Agreement	)	
with BellSouth Telecommunications, Inc.	)	
Pursuant to 47 U.S.C. Section 252.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of BellSouth Telecommunications, Inc. (BellSouth) to appoint a hearing officer in the instant docket regarding an arbitration proceeding between AT&T Communications of the Southern States, Inc. and BellSouth pursuant to Section 252 of the Telecommunications Act of 1996. Presently, this matter is on remand to the Commission by order of the United States District Court for the District of South Carolina and consequently, the matter remains stayed by the state circuit court. In order to bring this matter to a resolution and facilitate the ultimate removal of the appeal from the state court's docket, BellSouth requests the Commission appoint a hearing officer to this proceeding to establish a schedule for the resolution of the Order of Remand issued by the United State District Court for the District of South Carolina.

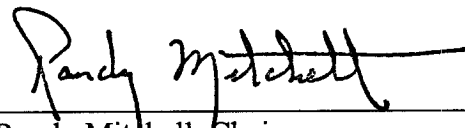
S.C. Code Ann. Section 58-3-40 (Supp. 2005) provides for the appointment of a hearing officer to dispose of procedural and evidentiary matters. Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may

employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.


We grant the Motion of BellSouth to appoint a hearing officer in this case. We find that Joseph M. Melchers meets the required criteria for appointment as a hearing officer, and we therefore appoint Joseph M. Melchers as hearing officer in the present case. As hearing officer in this proceeding, we direct Mr. Melchers to rule on any procedural matters in the case up to the time that a hearing may be held.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)